



COUNCIL MINUTES

June 21, 2010

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on June 21, 2010 at 5:45 p.m.

COUNCIL PRESENT

Mayor Scott Smith
Alex Finter
Dina Higgins
Kyle Jones
Dennis Kavanaugh
Dave Richins
Scott Somers

COUNCIL ABSENT

None

OFFICERS PRESENT

Christopher Brady
Debbie Spinner
Linda Crocker

Invocation by Pastor Jim Adams, Cornerstone Church.

Pledge of Allegiance was led by Logan Millett, Scout Troop No. 659.

Mayor's Welcome.

Awards, Recognitions and Announcements.

Mayor Smith invited Public Information and Communications Director Steve Wright, Walter Zimmerman, representing the Mesa Sertoma Club, John Richards of Downtown Events, and Jerrod Taylor, a representative of Heritage Academy, to come forward and provide a brief overview of The Southwest Ambulance Arizona Celebration of Freedom, which will be held on July 2nd and 3rd in downtown Mesa.

Mr. Wright reported that for more than 20 years, the Mesa Sertoma Club sponsored the 4th of July fireworks show in Mesa. He explained that due to a series of challenges which prevented the organization from continuing with those efforts, the City of Mesa, private businesses and civic organizations joined forces to "reinvent" a premiere event for the July 4th weekend. Mr. Wright stated that the event organizers have received more than \$150,000 in donations from private businesses and civic organizations and added that over 200 citizens have volunteered to help during the two-day event.

Mr. Wright further remarked that in addition to a fireworks display, the celebration would include a wide array of activities such as a classic car show, a Fallen Heroes Memorial, Heritage Lane, Motorcycles on Main, "KOOL Zones," beer gardens, arts and crafts booths and live music. He added that sponsors include, among others, Southwest Ambulance, the Chicago Cubs organization, KOOL-FM and the Downtown Mesa Association.

Mayor Smith stated that he looked forward to the celebration.

1. Take action on all consent agenda items.

It was moved by Councilmember Kavanaugh, seconded by Councilmember Somers, that the consent agenda items be approved.

Carried unanimously.

*2. Approval of minutes of previous meetings as written.

Minutes of the June 7, 2010 Council meeting.

3. Conduct a public hearing concerning the Five Year Capital Improvement Program for Fiscal Years ending 2011-2015.

Mayor Smith announced that this was the time and place for a public hearing regarding the Five Year Capital Improvement Program for Fiscal Years ending 2011-2015.

There being no citizens wishing to speak on this issue, Mayor Smith declared the public hearing closed.

4. Conduct a public hearing on the proposed Fiscal Year 2010-11 Budget Plan.

Mayor Smith announced that this was the time and place for a public hearing regarding the proposed Fiscal Year 2010-11 Budget Plan.

There being no citizens wishing to speak on this issue, Mayor Smith declared the public hearing closed.

5. Conduct a public hearing concerning the Home Rule adjustment to the State expenditure limitation.

Mayor Smith announced that this was the time and place for a public hearing regarding the Home Rule adjustment to the State expenditure limitation.

There being no citizens present wishing to speak on this issue, Mayor Smith declared the public hearing closed.

6. Conduct a public hearing concerning irrigation water, natural gas, reclaimed water, solid waste, wastewater, water rate components fees and/or service charges adjustments.

Mayor Smith announced that this was the time and place for a public hearing regarding irrigation water, natural gas, reclaimed water, solid waste, wastewater, water rate components fees and/or service charges adjustments.

There being no citizens present wishing to speak on this issue, Mayor Smith declared the public hearing closed.

7. Take action on ordinances and resolutions relating to utility rates:

Mayor Smith announced that items 7a through 7g would be read into the record and considered by the Council in one vote.

- 7a. Take action on an ordinance and resolution modifying rates for natural gas utility services – Ordinance No. 4984 and Resolution No. 9724.
- 7b. Take action on an ordinance and resolution modifying rates for water utility services – Ordinance No. 4985 and Resolution No. 9725.
- 7c. Take action on an ordinance and resolution modifying rates for wastewater utility services – Ordinance No. 4986 and Resolution No. 9726.
- 7d. Take action on an ordinance and resolution modifying rates for solid waste utility services – Ordinance No. 4987 and Resolution No. 9727.
- 7e. Take action on an ordinance and resolution modifying the fees and charges for Utility Customers – Ordinance No. 4988 and Resolution No. 9728.
- 7f. Take action on an ordinance and resolution modifying the Terms and Conditions for the Sale of Utilities – Ordinance No. 4989 and Resolution No. 9729.
- 7g. Take action on an ordinance amending Title 5, Chapter 10 of the Mesa City Code to adopt a tax rate for wastewater services – Ordinance No. 4990.

It was moved by Vice Mayor Jones, seconded by Councilmember Somers, that Ordinance Nos. 4984, 4985, 4986, 4987, 4988, 4989 and 4990 and Resolution Nos. 9724, 9725, 9726, 9727, 9728 and 9729 be adopted.

Carried unanimously.

Mayor Smith announced at 6:08 p.m., that the Regular Council Meeting would stand at recess in order to convene a Special Council Meeting for the purpose of approving the Budget, the Five-Year Capital Improvement Program, and the Home Rule adjustment to the State expenditure limitation.

Mayor Smith reconvened the Regular Council Meeting at 6:15 p.m.

8. Conduct a public hearing prior to the release of the petition for signatures for the following proposed annexations:

- 8a. **A09-05 (District 5)** Annexing land located north of Main Street and west of Hawes Road (0.15± acre). Initiated by the property owner, Michael L. McGinnis.
- 8b. **A09-06 (District 5)** Annexing land located south of University Drive and west of Power Road (1.85± acres). Initiated by the property owner, Jan Hyc.

Mayor Smith announced that this was the time and place for a public hearing regarding annexing land located north of Main Street and west of Hawes Road (**A09-05**) and annexing land located south of University Drive and west of Power Road (**A09-06**).

There being no citizens present wishing to speak on these issues, Mayor Smith declared the public hearing closed.

9. Take action on the following liquor license applications:

*9a. Neighborhood Economic Development Corporation

This is a two-day civic event to be held on Friday, July 2, 2010 from 6:00 p.m. to 10:00 p.m. and Saturday, July 3, 2010 from 6:00 p.m. to 10:00 p.m. at 1 to 270 West Main Street. **(District 4)**

*9b. Michael's Greenside Grill

New Restaurant License for Michael's Greenside Grill, 721 South Rochester, Michael McKean Thornton, Individual. The previous Beer & Wine Bar License held at this location by Foozles at Sunland Village LLC was transferred with the State. **(District 6)**

*9c. R.U.B. Sports Grill

New Restaurant License for R.U.B. Sports Grill, 2103 West Guadalupe Road, R.U.B. LLC – Lauren Kay Merrett, Agent. This is an existing building with no previous liquor license at this location. **(District 3)**

10. Take action on the following contracts:

*10a. Purchase of 12 Replacement Hand-Held Speed Detection Devices for the Police Department **(Sole Source)** (Fully Funded by Governor's Office of Highway Safety Grant). **(Citywide)**

The Purchasing Division recommends authorizing purchase from the State contract with Kustom Signals, Inc. at \$36,115.20, including applicable use tax.

*10b. Purchase of a Replacement Breathing Air Compressor Station for the Fire Department. **(Citywide)**

The Purchasing Division recommends awarding the contract to the lowest, responsible and responsive bidder, United Fire Equipment Co., at \$54,462.16, including applicable sales tax.

*10c. Purchase of a Replacement Data Preservation System for the Police Department. **(Citywide)**

The Purchasing Division recommends authorizing purchase from the lowest, responsive and responsible bidder, Western Office Systems, at \$40,715.03, based on estimated requirements.

*10d. Renewal of the Term Contract for UV Wastewater Disinfection Lamps, Ballasts and Wipers for the Water Resources Department. **(Sole Source) (Citywide)**

The Purchasing Division recommends authorizing renewal of the contract with DC Frost Associates Inc. at \$228,130 annually, based on estimated requirements.

- *10e. Renewal of the Supply Contract for Spray Marking Paint for Warehouse Inventory. **(Citywide)**

The Purchasing Division recommends renewal of the contract with Abatix at \$47,900 annually, based on estimated requirements.

- *10f. Term Contract for Tires for the Fire Department. **(Citywide)**

The Purchasing Division recommends authorizing purchase from the State of Arizona/WSCA contract with Redburn Tire Company (a Mesa business) at \$105,000 annually, including applicable sales tax, and based on estimated requirements.

- *10g. Carriage Lane Basketball Court Replacement, 3140 South Carriage Lane. **(District 3)**

City Project 09-907-001. This project includes the replacement of the existing basketball courts, basketball standards, benches and trash receptacle, installation of bicycle loops, and an Americans with Disabilities Act (ADA) accessible concrete walk to connect the basketball courts to the existing restroom and parking area. Parks staff will complete the finished grading and necessary turf re-establishment in areas impacted by the construction.

Recommend award to the low bidder, Construction 21 LLC, in the amount of \$65,321, plus an additional \$6,532.10 (10% allowance for change orders) for a total award of \$71,853.10. Funding is available in the tentative FY 10/11 Parks, Recreation and Commercial Facilities Operating Budget.

- *10h. Autry Park Irrigation Pump Improvements, 4125 East McKellips Road. **(District 5)**

City Project 09-918-001. This project includes rehabilitation of the concrete vault structure, installation of three new pumps, new electrical controls, installation of a concrete block wall around the site, and the installation of a shade canopy.

Recommend award to the low bidder, Green Landscaping and Irrigation, Inc., in the amount of \$174,572.46, plus an additional \$17,457.25 (10% allowance for change orders) for a total award of \$192,029.71. Funding is available in the tentative FY 10/11 Parks, Recreation and Commercial Facilities Operating Budget.

- *10i. Information Technology Department (ITD) Data Center Power Distribution Upgrades, 59 East 1st Street. **(District 4)**

City Project 09-921-001. This project will replace three electrical power distribution units (PDU's) located in the City's Data Center and the rewiring of the Data Center.

Recommend award to the low bidder, Kortman Electric Inc., in the amount of \$121,853, plus an additional \$12,185.30 (10% allowance for change orders) for a total award of \$134,038.30. Funding is available in the tentative FY 10/11 Information Technology Department Operating Budget.

*10j. Generator Replacement at Police Central, 130 North Robson. **(District 4)**

City Project 09-925-001. This project will replace the existing generator with a new natural gas backup generator to power key systems in the Police Department in the event of a utility power outage.

Recommend award to the low bidder, R.K. Sanders, Inc., in the amount of \$73,900, plus an additional \$7,390 (10% allowance for change orders) for a total award of \$81,290. Funding is available in the tentative FY 10/11 Facilities Maintenance Operating Budget.

11. Take action on the following resolutions:

- *11a. Modifying the fees associated with loaning City owned ITS/Traffic signal equipment to contractors – Resolution No. 9710.
- *11b. Modifying the fees and charges for Falcon Field Airport – Resolution No. 9711.
- *11c. Modifying the fees and charges for the Development and Sustainability Department – Resolution No. 9712.
- *11d. Eliminating the fees and charges for the Executive Budget Plan Book, CD and Five-Year Capital Improvement Program – Resolution No. 9713.
- *11e. Approving and supporting the submittal of a grant application by the City of Mesa Parks, Recreation and Commercial Facilities Department to the Gila River Indian Community in the amount of \$603,000 over three years to operate the Washington Activity Center – Resolution No. 9714.
- *11f. Approving and supporting the submittal of a grant application by Paz de Cristo Community Center to the Gila River Indian Community in the amount of \$40,000 to repair, upgrade and replace obsolete equipment at the Broadway Road facility – Resolution No. 9715.
- *11g. Approving and adopting the Maricopa County Community Wildfire Protection Plan – Resolution No. 9716.
- *11h. Approving and authorizing the City Manager to execute an Intergovernmental Agreement with the Maricopa County Department of Health for reimbursement up to \$75,000 to provide childhood immunizations – Resolution No. 9717.
- *11i. Approving and authorizing the City Manager to execute an Intergovernmental Agreement with Maricopa County Sheriff's Office to secure grant funds for the Police Department in the amount of \$59,408 for Coplink node network connectivity – Resolution No. 9718.
- *11j. Approving and authorizing the City Manager to execute an Intergovernmental Agreement with Maricopa County Sheriff's Office to secure grant funds for the Police Department in the amount of \$83,598 for Coplink uplift license fees – Resolution No. 9719.

- *11k. Approving and authorizing the City Manager to execute a Grant Agreement with Maricopa County to accept grant funds in the amount of \$242,540 to purchase replacement network equipment for the Police Department – Resolution No. 9720.
- *11l. Approving and authorizing the City Manager to execute a Development Agreement with Marc Center of Mesa, Inc. and the Village at Oasis Park-Phase I, Inc. for the timely construction of Oasis Drive and Palm Drive road improvements – Resolution No. 9721. **(District 6)**
- *11m. Approving and authorizing the City Manager to execute a Memorandum of Understanding among the City of Tempe, City of Mesa and Valley Metro Rail, Inc. to provide security services for the light rail system and the Sycamore park-and-ride facility – Resolution No. 9722. **(District 3)**
- *11n. Determining to grant a Gas Franchise to Southwest Gas Corporation subject to approval by the qualified electors at an election to be held on November 2, 2010 – Resolution No. 9723.

12. Introduction of the following ordinances and setting July 1, 2010, as the date of the public hearing on these ordinances:

- *12a. Repealing the existing Personnel Rules applicable to City of Mesa employees and adopting new Personnel Rules.

13. Discuss, receive public comment, and take action on the ordinances introduced at a prior Council meeting. Any citizen that wants to provide comment should submit a blue card to the Clerk before the item is voted on. If a citizen wants to comment on an item listed with an asterisk (*), a blue card must be given to the Clerk before Council votes on the consent agenda.

- *13a. Amending Title 5, Chapter 3, Chapter 7 and Chapter 11 of the Mesa City Code to modify the fees and charges for Park and Swap Operations, Auctioneers, Pawnbrokers, Scrap Metal Dealers, Secondhand Dealers and Teenage Dance Halls – Ordinance No. 4982.
- *13b. Modifying the fees and charges for Revenue Collections Operations of the Business Services Department – Ordinance No. 4983.
- 13c. **Z10-10 (District 6)** 1455 South Power Road. Located north of the Superstition Freeway and east of Power Road. Council Use Permit. This request will allow the development of a Freeway Landmark Monument Sign. KIMCO Realty Corp., owner, Doug Atkins, applicant – Ordinance No. 4991.

DRB Recommendation: Approval with Conditions. (Vote 5 – 0, Boardmember Boswell absent.)

P&Z Recommendation: Approval with Conditions. (Vote: 4 – 0, Boardmembers Mizner and Coons absent.)

It was moved by Councilmember Somers, seconded by Vice Mayor Jones, that Ordinance No. 4991 be adopted.

Councilmember Kavanaugh stated that he requested this item be removed from the consent agenda. He explained that in 2004, he was a member of the Council when the Freeway Landmark Monument ordinance and guidelines were adopted. Councilmember Kavanaugh commented that this particular application deviates from such guidelines. He said that in looking at the deviations, the guidelines dictate that one would determine whether there were any special designs or architectural features that merit a deviation from the Freeway Landmark Monument guidelines. Councilmember Kavanaugh said that in his review of the file and proposal, he could not find any special designs or architectural features that merit such a deviation, and for that reason, would oppose the motion.

Mayor Smith called for the vote.

Upon tabulation of votes, it showed:

AYES - Smith-Finter-Higgins-Jones-Richins-Somers

NAYS - Kavanaugh

Mayor Smith declared the motion carried by majority vote and Ordinance No. 4991 adopted.

14. Take action on the following resolutions and ordinances:

- *14a. Take action on resolution approving and authorizing the City Manager to execute a Pre-Annexation Agreement with Rancho Reata LLC for the timely construction of sewer line installation and required on and off-site improvements as a condition of annexation. **(District 6) (Continued to the July 8, 2010 Council meeting.)**
- *14b. Take action on ordinance regarding **A07-36 (District 6)**. Annexing land located on Pueblo Avenue just west of Crismon Road (19.3± acres). Initiated by the property owner, Jeffrey Tang/Rancho Reata LLC. **(Continued to the July 8, 2010 Council meeting.)**
- *14c. Take action on ordinance regarding **Z10-13 (District 6)** 9828 East Pueblo Avenue. Located west of Crismon Road and south of Broadway Road (19.3± acres). Rezone from Maricopa County R1-43 to City of Mesa R1-43. This request will establish City of Mesa zoning on recently annexed property. Rancho Reata, owner; City of Mesa applicant. **(Continued to the July 8, 2010 Council meeting.)**

P&Z Recommendation: Approval with Conditions. (Vote 4 – 0, Boardmembers Mizner and Coons absent.)

- *14d. Take action on ordinance regarding **Z10-14 (District 6)** 9828 East Pueblo Avenue. Located west of Crismon Road and south of Broadway Road (19.3± acres). Rezone from R1-43 to R-4 for a Manufactured Home Park. This request will bring the zoning of the property into conformance with the existing land use. Rancho Reata, owner; David Cisiewski, applicant. **(Continued to the July 8, 2010 Council meeting.)**

P&Z Recommendation: Approval with Conditions. (Vote 4 – 0, Boardmembers Mizner and Coons absent.)

15. Take action on the following subdivision plats:

- *15a. "LEHI COM PARK" - **(District 1)** – 1957 North Hobson. Located south and east of Hobson and McKellips Road. Six (6) C-2 PAD lots (2.13± acres). Cory N. and Cindy L. Allen, Lehi Commerce Park, LLC, owner; Anthony N. Zaugg, surveyor, Allen Consulting Engineers, Inc.
- *15b. "MESA RANCH" - **(District 4)** – 1116 South Stapley Dr. Located north and west of Stapley Drive and Southern Avenue. Six (6) C-2 Lots (16.7± acres). Mesa Ranch Plaza, LLC, owner; Jason Segneri, surveyor, Survey Innovation Group, Inc.

*16. Authorizing the City Manager to enter into an agreement with the Mesa Convention & Visitors Bureau to continue promoting tourism and convention business in Mesa.

17. Items from citizens present.

There were no items from citizens present.

18. Adjournment.

Without objection, the meeting adjourned at 6:20 p.m.

SCOTT SMITH, MAYOR

ATTEST:

LINDA CROCKER, CITY CLERK

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Council Meeting of the City Council of Mesa, Arizona, held on the 21st day of June 2010. I further certify that the meeting was duly called and held and that a quorum was present.

LINDA CROCKER, CITY CLERK

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